



General Assembly

February Session, 2000

Amendment

LCO No. 4016

Offered by:

REP. MILLER, 122nd Dist.
REP. COLLINS, 117th Dist.
REP. NYSTROM, 46th Dist.
REP. PRELLI, 63rd Dist.
REP. DELGOBBO, 70th Dist.
REP. PISCOPO, 76th Dist

REP. FERRARI, 62nd Dist.
REP. FREY, 111th Dist.
REP. STONE, 134th Dist.
REP. HEAGNEY, 16th Dist.
REP. DICKMAN, 132nd Dist.

To: House Bill No. 5583

File No. 143

Cal. No. 152

"An Act Minimizing Air Emissions At Power Plants."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "(NEW) (a) On and after January 1, 2003, any individual fuel
4 burning unit in this state used to generate electricity that (1) was built
5 prior to 1977, (2) has the installed capacity to generate greater than
6 twenty-five megawatts, and (3) generates electricity for wholesale or
7 retail sale through the combustion of fossil fuels shall comply with the
8 following limitations regarding the rate of emission of the following
9 substances: (A) For nitrogen oxides, not more than fifteen one-
10 hundredths pounds per million British thermal units of heat input, and
11 (B) for sulfur dioxide, not more than thirty one-hundredths pounds per
12 million British thermal units of heat input. Such requirements shall be
13 met year-round by such facility.

14 (b) In order to meet the emission rate for nitrogen oxides set forth in
15 subsection (a) of this section, an owner or operator of a facility may use
16 emission reduction trading, provided (1) during the year commencing
17 January 1, 2003, and each succeeding year, a reduction through the use
18 of trading shall equal the difference between the actual total emissions
19 of the facility that year and the emissions that would have occurred if
20 the facility had generated the same amount of electricity at the
21 emission rate for nitrogen oxides specified in subsection (a) of this
22 section, (2) the facility achieves an actual or equivalent additional
23 reduction in its total annual emissions, as of January 1, 2002, for
24 nitrogen oxides equal to twenty per cent and as of January 1, 2003,
25 thirty per cent of the difference between the facility's total annual
26 emissions in 1998, or a prior year if the Commissioner of
27 Environmental Protection determines it was more representative of the
28 facility's typical operation, to be determined by multiplying the
29 facility's actual heat input by the emission rate in effect for that facility
30 as of the effective date of this act, and the total emissions that would
31 have occurred if the facility had generated the same amount of
32 electricity at the emission rate set forth in said subsection (a), through
33 (A) capacity restrictions, (B) capital improvements, (C) retirement, (D)
34 fuel switching, (E) operational changes, or (F) an equivalent reduction
35 from mobile or stationary sources located within the municipality in
36 which such facility is located or from mobile or stationary sources
37 within a five-mile radius of such facility, provided for any reduction
38 through another source, the owner or operator shall submit data to the
39 Commissioner of Environmental Protection for analysis and approval
40 by the commissioner that an actual or equivalent reduction is achieved
41 and provided further, if a permit is required to achieve such reduction,
42 the plan required pursuant to subsection (d) of this section shall
43 include the date for when a permit application will be submitted to the
44 commissioner, and (3) such trading shall be conducted (i) between
45 May first and September thirtieth through the nitrogen oxide budget
46 program established by the commissioner under 22a-174-22b of the
47 Regulations of Connecticut State Agencies, and (ii) between October
48 first and April thirtieth, through the nitrogen oxide emissions

49 reduction trading program established by the commissioner under
50 22a-174-22 of the Regulations of Connecticut State Agencies, provided
51 any credits to meet the emission limitations through said emissions
52 reduction trading program are generated from or allocated to facilities
53 located in Connecticut. The provisions of subparagraph (A) of
54 subsection (a) and this subsection shall not apply on and after the date
55 the state implementation plan to implement the national ambient air
56 quality standard for ozone set forth in the Federal Register of July 18,
57 1997, is approved by the United States Environmental Protection
58 Agency, provided the provisions in such implementation plan are
59 more stringent than those provided for in subparagraph (A) of
60 subsection (a) and this subsection.

61 (c) In order to meet the emission rate for sulfur dioxide set forth in
62 subsection (a) of this section, an owner or operator of a facility may use
63 emission reduction trading under the federal acid rain trading
64 program, provided (1) during the year commencing January 1, 2003,
65 and each succeeding year, a reduction through the use of trading shall
66 equal the difference between the actual total emissions of the facility
67 that year and the emissions that would have occurred if the facility had
68 generated the same amount of electricity at the emission rate for sulfur
69 dioxide specified in subsection (a) of this section, and (2) the facility
70 achieves an actual or equivalent additional reduction in its total annual
71 emissions as of January 1, 2003, for sulfur dioxide equal to thirty per
72 cent of the difference between the facility's total annual emissions in
73 1998, or a prior year if the commissioner determines it was more
74 representative of the facility's typical operation, to be determined by
75 multiplying the facility's actual heat input by the emission rate in effect
76 for that facility as of the effective date of this act, and the total
77 emissions that would have occurred if the facility had generated the
78 same amount of electricity at the emission rate set forth in said
79 subsection (a) through (A) capacity restrictions, (B) capital
80 improvements, (C) retirement, (D) fuel switching, (E) operational
81 changes, or (F) an equivalent reduction from mobile or stationary
82 sources located within the municipality in which such facility is

83 located or from mobile or stationary sources within a five-mile radius
84 of such facility, provided for any reduction through another source,
85 the owner or operator shall submit data to the commissioner for
86 analysis and approval by the commissioner that an actual or
87 equivalent reduction is achieved and provided further, if a permit is
88 required to achieve such reduction, the plan required pursuant to
89 subsection (d) of this section shall include the date for when a permit
90 application will be submitted to the commissioner. The provisions of
91 subparagraph (B) of subsection (a) and this subsection shall not apply
92 on and after the date the state implementation plan to implement the
93 national ambient air quality standard for fine particulates set forth in
94 the Federal Register of July 18, 1997, is approved by the United States
95 Environmental Protection Agency, provided the provisions in such
96 implementation plan are more stringent than those provided for in
97 subparagraph (B) of subsection (a) and this subsection.

98 (d) Not later than December 31, 2000, the owner or operator of each
99 such facility shall submit to the commissioner a detailed plan on how
100 the owner or operator will achieve the emission reductions set forth in
101 this section. The commissioner may issue an order to the owner or
102 operator to implement such plan. Such owner or operator shall comply
103 with such order issued by the commissioner.

104 (e) The commissioner shall expedite the issuance of any permits
105 necessary for an owner or operator to carry out the provisions of
106 subsections (b) or (c) of this section.

107 (f) (1) Not later than April 1, 2003, and annually thereafter, the
108 owner or operator of a facility described in subsection (a) of this
109 section shall report to the Commissioner of Environmental Protection
110 and to the joint standing committees of the General Assembly having
111 cognizance of matters relating to the environment and energy on the
112 emission reductions for nitrogen oxides actually achieved during the
113 preceding year by any of the methods prescribed in subsection (b) of
114 this section. Not later than April 1, 2004, and annually thereafter, the
115 owner or operator of a facility described in subsection (a) of this

116 section shall report to the Commissioner of Environmental Protection
117 and to the joint standing committees of the General Assembly having
118 cognizance of matters relating to the environment and energy on the
119 emission reductions for sulfur dioxide actually achieved during the
120 preceding year by any of the methods prescribed in subsection (c) of
121 this section.

122 (2) Not later than January 1, 2002, and annually thereafter, the
123 Department of Public Utility Control shall report to the joint standing
124 committee of the General Assembly having cognizance of matters
125 relating to the environment and energy on the amount of new
126 generation capacity in excess of four megawatts in Connecticut added
127 to the electric distribution network as well as on the initiation of
128 construction of any such new electric generation facilities in
129 Connecticut."